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Attorneys for Defendants  
Translucence Research, Inc., Benjamin Fisch,  
Charles Lu, and Nathan McCarty

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TEMUJIN LABS INC., a Delaware  
corporation, and TEMUJIN LABS INC., a  
Cayman Islands corporation

Plaintiffs,

vs.

TRANSLUCENCE RESEARCH, INC., a  
Delaware corporation, BENJAMIN FISCH,  
CHARLES LU, BENEDIKT BÜNZ,  
NATHAN MCCARTY, FERNANDO  
KRELL, PHILIPPE CAMACHO CORTINA,  
BINYI CHEN, AND LUOYUAN (ALEX)  
XIONG, and DOES 1-20,

Defendants.

CASE NO. 4:21-cv-09152-NC

**DEFENDANTS' AMENDED NOTICE OF  
MOTION TO DISMISS COMPLAINT, OR  
IN THE ALTERNATIVE, TO STAY CASE**

Date: January 4, 2023  
Time: 1:00 p.m.  
Courtroom: Courtroom 5 – 4th Floor  
Judge: Hon. Nathanael Cousins

Complaint Filed: November 24, 2021

**AMENDED NOTICE OF MOTION**

TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on January 4, 2023 at 1:00 p.m., or as soon thereafter as the matter may be heard, in Courtroom 5 of this Court, located at 280 South 1st Street, San Jose, CA 95113, before the Honorable Nathanael Cousins, Defendants Translucence Research, Inc., Benjamin Fisch, Charles Lu, and Nathan McCarty (collectively “Defendants”) will and hereby do move this Court for an order pursuant to Federal Rule of Civil Procedure (“FRCP”) 12(b)(6) dismissing Plaintiffs Temujin Labs Inc. (Delaware)’s (“Temujin DE”) and Temujin Labs Inc. (Cayman)’s (“Temujin Cayman”) (collectively “Plaintiffs” or “Temujin”) Complaint without leave to amend, or in the alternative, for an order dismissing or staying this case pending adjudication of a related, ongoing action in California state court.

The Motion was originally filed on March 18, 2022 and set for hearing on May 26, 2022. See Dkt. Nos. 26, 28. On May 17, 2022, U.S. District Court Judge Jon S. Tigar issued a notice that the hearing date of May 26, 2022 was vacated because the Court found “the matter suitable for disposition without oral argument.” Dkt. No. 39. No decision or ruling has yet been entered on the Motion. On October 21, 2022, the Court entered an order reassigning this case to the Honorable Nathanael Cousins, and stated that all “Motions must be renoticed for hearing before the judge to whom the case has been reassigned.” Dkt. No. 50. Accordingly, Defendants file this amended notice of Motion to re-notice the Motion for a new hearing date.

DATED: October 31, 2022

PAUL HASTINGS LLP

By: /s/ Edward Han

EDWARD HAN

Attorneys for Defendants  
Translucence Research, Inc., Benjamin Fisch,  
Charles Lu, and Nathan McCarty